

REMARKS

The Action noted the absence of an Abstract. The Abstract is provided on a separate sheet in the above "Amendments to the Specification" section.

Claims 45 and 46 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to point out and distinctly claim the subject matter which applicant regards as the invention. In particular, the Action asserts that the terms "said channel is embedded below grade" and "said channel is embedded above grade", are indefinite. It is noted that the present invention is intended to be used in an installation embedded within the ground or a road surface, for example, (Page 1, line 5). Of course, "above grade" and "below grade" are terms of the art which, when one is embedding an object in the ground or a roadway, merely refers to whether the object is positioned above or extends below the surface of the ground or roadway, for example. Thus, it is clear that one of ordinary skill will consider these terms clear and precise and the rejection should be removed.

Claims 1-8, 10-14, 17-19 and 29 were rejected under 35 U.S.C. §103(a) as being anticipated by U.S. Patent No. 6,113,248 to Mistopoulos et al. ("Mistopoulos"). In order, for Mistopoulos to render the claims unpatentable under 35 U.S.C. § 103(a), the reference must supply all of the claim limitations or provide some teaching, suggestion or motivation to modify the reference to supply all of the claim limitations of the present claims. Mistopoulos fails to supply all of the claims limitations and also fails to provide any teaching or suggestion regarding modification of the reference to arrive at the present claims.

Independent Claims 1 and 32, for example, requires an elongated support and a plurality of electronic devices to be fully enclosed within a plastic enclosure. The Action acknowledges that Mistopoulos does not disclose this limitation of the claims. Further, the Action asserts that it would be obvious to fully enclose the complete circuit structure to protect the structure from being damaged by moisture as evidenced by Mistopoulos et al. (col. 8, lines 29-35). However, at col. 8, lines 29-35, Mistopoulos merely suggests the importance of forming the light strip out of materials which exhibit "...superior bonding characteristics..." In no way does Mistopoulos teach or suggest any modification, which would arrive at the solution set out in the present claims. Mistopoulos asserts that the bonding nature of the light strip material is important to

provide a high degree of protection for the circuitry from moisture ingress. In order to form lighting units according to Mistopoulos, an extruded product must be cut or otherwise separated into separate lighting units. As a result of this process, the ends of each unit includes exposed bus members, supports or longitudinal elements of the unit and therefore moisture, for example may enter into the interior of the lighting unit, potentially damaging the unit and shortening its lifespan. Without exception, each figure of Mistopoulos which shows an end of the light strip shows bus elements extending to the very end of the light strip or openings therein (FIGS. 1, 2, 11, 12, 13, 15, 16 and 17). Furthermore, Mistopoulos does not teach or suggest any other means by which strips are interconnected or connected to a power supply except for connections to the bus elements provided in the exposed ends of each light strip. The Applicants maintain that Mistopoulos teaches away from the present invention by asserting that the solution to preventing ingress of moisture is providing materials which exhibit high bonding properties and by teaching that the ends of bus elements may be exposed (and must be exposed to permit interconnect ability).

The present invention avoids this problem by virtue of an injection molding process, in stark contrast to extruding, which molding process is not taught or suggested by Mistopoulos. The present invention includes fully enclosed internal elements in each lighting module. Since Mistopoulos does not teach or suggest this feature, it cannot render Claims 1-8, 10-14, 17-19 and 29 obvious.

Claims 32-40 were rejected under U.S.C. §103(a) as being obvious in view of U.S. Patent No. 6,113,248 to Mistopoulos et al. ("Mistopoulos"). As distinguished above, Mistopoulos does not teach or suggest all of the subject matter of Claim 32, which also requires that the plastic encloses the support, light-emitting device and reflectors. For the same reasons as above, Mistopoulos does not render Claim 32 obvious or dependent Claims 31-40.

Claim 30 remains pending in the application and was indicated as being allowed by the Examiner.

Claim 41 was rejected under U.S.C. §103(a) as being obvious in view of U.S. Patent No. 5,222,799 to Sears et al. ("Sears") in view of U.S. Patent No. 6,113,248 to Mistopoulos et al. ("Mistopoulos"). Claim 41 has been cancelled.

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Claims 42-44 were indicated as being allowable if rewritten in independent form. Claim 42 has been rewritten in independent form and includes all of the limitations of the base claim (Claim 41). The remaining claims (43-46), now depend from Claim 42, and should be in condition for allowance.

Applicants request reconsideration of the pending Claims and issuance of a Notice of Allowance.

Respectfully submitted,

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